


**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: February 20, 2013

Item: Permitted Conditional Use Permit – Des Moines Rugby Clubhouse – John Spence – 120 39th Street– 4.497 acres – Request approval to use the clubhouse for private events – PC-2012-009

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Linda Schemmel, AIA 

Applicant's Request: The Applicant, John Spence from The Rugby Foundation, is requesting approval of a Permitted Conditional Use permit to expand their use of the existing clubhouse for private events such as receptions, parties or meetings. The clubhouse is located on the Des Moines Rugby Club grounds at 120 39th Street (see Attachment B – Location Map). No site modifications or exterior building modifications are proposed.

History: The site is located adjacent to the Jordan Creek Trail and is zoned Open Space (OS). The building and parking lot on this property were constructed in 2004 and replaced an existing barn and gravel parking area on The Des Moines Rugby Club property. On October 30, 2002, The Rugby Foundation obtained Permitted Conditional Use Permit from the Board of Adjustment (PC-02-19) for the building to provide locker rooms and a clubhouse for the DM Rugby Club (SIC 7996, Membership Sports and Recreation Clubs – a Permitted Conditional Use in OS). In conjunction with the PC application, the Board also approved a variance to the side yard building setback and front yard parking lot setback for the building and new parking lot (BOA-02-18). This application is to allow private events in the clubhouse that are not associated with rugby club activities (SIC 7999, Amusement and Recreation Services – also a Permitted Conditional Use in OS).

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on December 13, 2012 as an informational item only. The Subcommittee had no comments on this request.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues. Staff would summarize the following key points of interest:

- ***Required building modifications:*** The proposed change of use of the clubhouse as a rental facility will trigger the following building and site modifications:
 - The building will require a fire sprinkler system and addition of a private fire hydrant unless an existing fire hydrant along 39th Street is within 100 feet of the fire department connection for the building.
 - The building will require a fire alarm system designed to the West Des Moines Fire Code requirements and a Type 1 kitchen hood with fire suppression system over all cooking equipment.
 - Food Service Establishments or uses are required to comply with the City's Fats, Oils and Grease ordinance. The Applicant will be required to install grease interception equipment as required by the Waste Water Reclamation Authority (WRA).

Staff is recommending any approval of the use be conditioned with the required modifications as noted above

- ***Parking:*** The Applicant is not proposing any increase of the existing parking spaces for the clubhouse. The DM Rugby Club does have an agreement with the Parks Department to use the City owned vacant land to the east of the club for rugby club events. However, to limit the impact of the additional events on the surrounding neighborhood, Staff is recommending that parking for non-rugby events be limited to just the paved parking area on the DM Rugby Club property. This will limit the occupancy of any event to 132

people at one time. Staff is recommending any approval of the use be conditioned with the requirement that the occupancy limit noted above be posted in the clubhouse and be noted on all rental agreements.

- *39th Street:* Future improvements to 39th Street (currently un-paved) may require addition temporary or permanent easements. Since the design of street is not completed at this time, the exact location of the easements is not known. Staff is recommending as a condition of approval that the Applicant agrees to grant the necessary easements at no cost to the City at such time 39th Street paving is constructed.
- *Storm Water:* With no proposed changes to the site, a storm water management plan is not required with this application. However, Staff would recommend a condition of approval that if any future development is done to the site, a storm water management plan be required.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Noticing Information: On February 1, 2013, notice of the February 20, 2013 Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on January 31, 2013. One letter has been received from an area property owner, indicating their support of the request (see Attachment D).

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, and the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit request to allow the use an existing clubhouse for private events, subject to the applicant meeting all City Code requirements and the following:

1. The following building improvements will need to be completed prior to use of the clubhouse for private events:
 - a. Installation of a fire sprinkler system and addition of a private fire hydrant unless an existing fire hydrant along 39th Street is within 100 feet of the fire department connection for the building.
 - b. Installation of a fire alarm system designed to the West Des Moines Fire Code requirements and a Type 1 kitchen hood with fire suppression system over all cooking equipment.
 - c. Installation of grease interception equipment as required by the Waste Water Reclamation Authority (WRA).
2. Parking for non-rugby events be limited to just the paved parking area on the DM Rugby Club property. This will limit the occupancy of any event to 132 people at one time. Occupancy limit as noted shall be posted in the clubhouse and be noted on all rental agreements.
3. Applicant agrees to grant the necessary easements at no cost to the City at such time 39th Street paving is constructed.
4. Applicant acknowledges that if any future development is done to the site, a storm water management plan will be required.

Property Owner: **The Rugby Foundation**
120 39th Street
West Des Moines, Iowa
John Spence, Director - john@smksprayers.com

Applicant(s): The Rugby Foundation
120 39th Street
West Des Moines, Iowa
John Spence, Director - john@smksprayers.com

Applicant's Representatives:
Ed Kyker
Kyker Johnson Architecture
4910 Urbandale Avenue, Suite 202
Des Moines, Iowa, 50310
ekyker@gmail.com

SITE DETAILS

Comprehensive Plan Designation: Parks & Greenways (PG)
Existing Zoning Designation: Open Space (OS)
Proposed Zoning Designation: Same
Existing Land Use: Same

Surrounding Land Uses:

North: **Comprehensive Plan Designation:** Parks & Greenways (PG)
Existing Zoning Designation: Open Space (OS)
Existing Land Use: Greenway

South: **Comprehensive Plan Designation:** High Density Residential (HD)
Existing Zoning Designation: High Density Residential (RH-18)
Existing Land Use: Westbrook Apartments

East: **Comprehensive Plan Designation:** Parks & Greenways (PG)
Existing Zoning Designation: Open Space (OS)
Existing Land Use: Vacant

West: **Comprehensive Plan Designation:** Parks & Greenways (PG)
Existing Zoning Designation: Open Space (OS)
Existing Land Use: Greenway

Total Land Area: 4.497 acres
Impervious Area: In the range of 20,000 – 24,000 square feet

Building: **Footprint:** 4550 sf
Stories: 1
Height: Approximately 12 feet
TOTAL: 4550 square feet

Parking: **Calculation:** 1 space/150 gross square feet of building
Required: 31 stalls
Provided: 33 stalls

Open Space: **Required:** 75% - 146,885 square feet
Provided: Approximately 173,000 square feet

Landscaping:

Open Space: No changes proposed

Buffers: N/A

ATTACHMENTS:

Attachment A - Board of Adjustment Resolution
Attachment B - Location Map
Attachment C - Site Plan
Attachment D - Public comment on project received

ATTACHMENT A

Prepared by: L. Schemmel Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-2012-009) TO ALLOW PRIVATE EVENTS IN AN EXISTING CLUBHOUSE BUILDING AT 120 39TH STREET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, John Spence, has requested approval of a Permitted Conditional Use permit to allow the rental of the Des Moines Rugby Club existing clubhouse for private events not associated with rugby club, for the site locally know as 120 39th Street and on a parcel of land legally described as follows:

Lot 3, Southwicke, an Official Plat included in and forming a part of the City of West Des Moines, Polk County, Iowa

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on February 20, 2013, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-2012-009);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated February 20, 2013, or as amended orally at the Board of Adjustment hearing of February 20, 2013, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-2012-009) is approved, subject to compliance with all the conditions in the staff report, dated February 20, 2013, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on February 20, 2013

Jennifer Drake
Chairperson, Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on February 20, 2013, by the following vote:

AYES:

NAYS:

ABSTAIN:

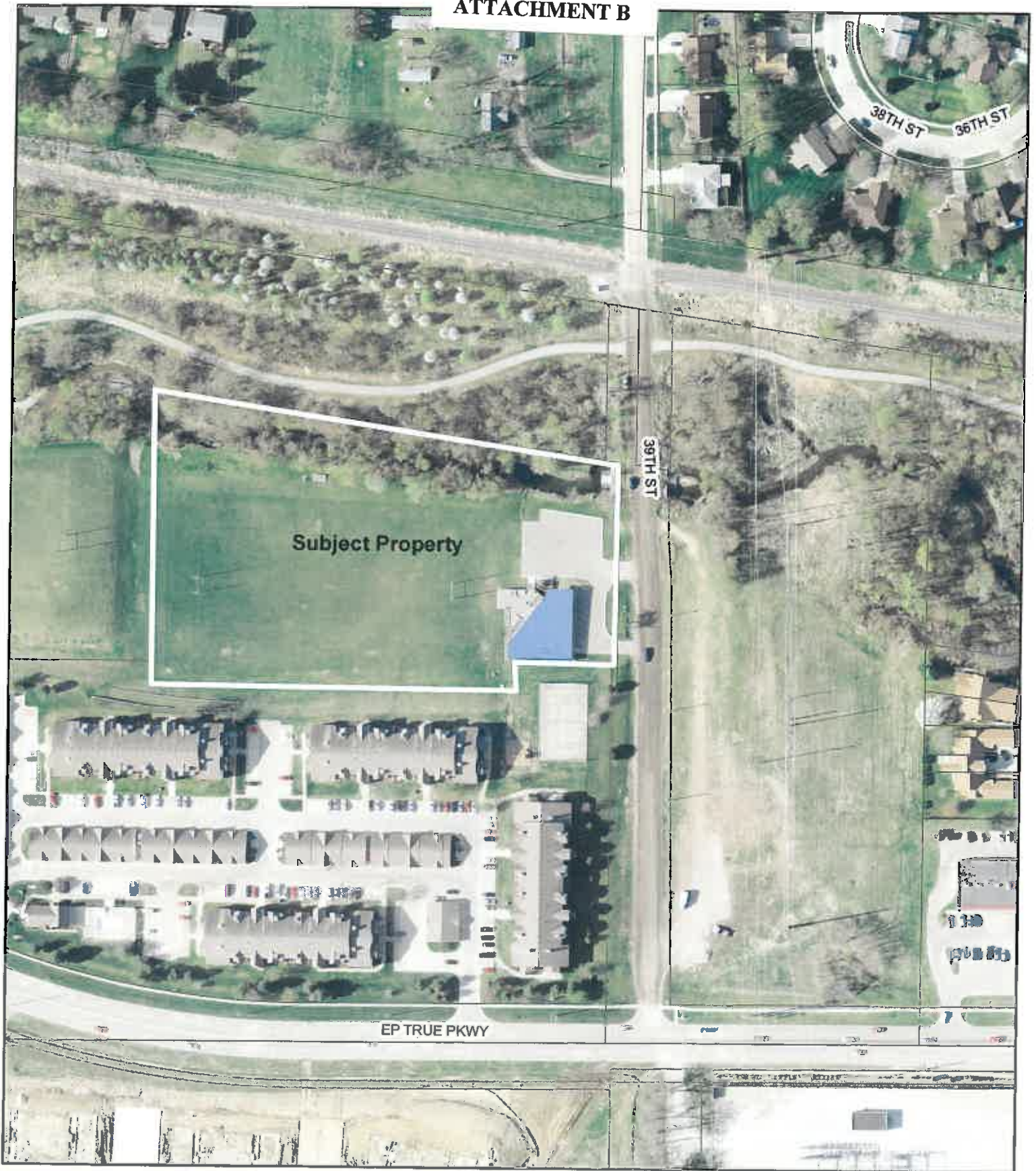
ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. The following building improvements will need to be completed prior to use of the clubhouse for private events:
 - a. Installation of a fire sprinkler system and addition of a private fire hydrant unless an existing fire hydrant along 39th Street is within 100 feet of the fire department connection for the building.
 - b. Installation of a fire alarm system designed to the West Des Moines Fire Code requirements and a Type 1 kitchen hood with fire suppression system over all cooking equipment.
 - c. Installation of grease interception equipment as required by the Waste Water Reclamation Authority (WRA).
2. Parking for non-rugby events be limited to just the paved parking area on the DM Rugby Club property. This will limit the occupancy of any event to 132 people at one time. Occupancy limit as noted shall be posted in the clubhouse and be noted on all rental agreements.
3. Applicant agrees to grant the necessary easements at no cost to the City at such time 39th Street paving is constructed.
4. Applicant acknowledges that if any future development is done to the site, a storm water management plan will be required.



Location Map Des Moines Rugby Club

0 75 150 300 450 600 Feet



ATTACHMENT D

Thomas R. and Jill H. Clark

201 - 39th Street
West Des Moines, IA 50265

February 5, 2013

Christopher Shires, AICP
Development and Planning Inspection Manager
Development Services Department
4200 Mills Civic Parkway, Suite 2D
Post Office Box 65320
West Des Moines, IA 50265-0320

Dear Mr. Shires:

We are in receipt of the Notice of Public Hearing regarding the request for approval of a Permitted Conditional Use Permit for the Rugby Clubhouse.

The purpose of this letter is to indicate that we have enjoyed having the Rugby Club as neighbors and have experienced no difficulty with them. They take good care of the property and look after their members when holding parties at night. We would encourage you to approve the request which would produce additional revenue that will only improve the value of the property and the neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Tom Clark". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Tom and Jill Clark